

THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 24331 of 2005

This writ petition is filed aggrieved by the action of the respondents in interfering with the construction work of the petitioner in the premises situated at Door No.7-120/1, Opposite A.P.S.R.T.C. Bus Stand, Kanchikacharla village, Krishna District.

The complaint of the petitioner is that though he is the owner and possessor of the premises in question, the 3rd respondent, at the instance of respondents 4 and 5, has been interfering with the construction of the building in his premises. Though notice was issued to the respondents, respondents 4 and 5 refused to receive the same. However, the 3rd respondent filed counter-affidavit denying all the allegations made by the petitioner and categorically stating that he either visited the premises of the petitioner nor threatened the petitioner or the workers engaged by him and never interfered with the construction of the building. The 3rd respondent has also denied the other allegations made by the petitioner including that his wife and Sister-in-law were called to the Police Station and detained in the Police Station. It is stated that the 3rd respondent suo motu registered a case in Cr.No.235/05 U/s 145 of the Code of Criminal Procedure on 15-11-2005 and requested the Executive Magistrate, Kanchikacharla, to initiate proceedings U/s 145, Cr.P.C., and accordingly, the Executive Magistrate initiated the proceedings vide MC No.1/2005, dated 17-11-2005 and issued notice to both the petitioner as well as respondents 4 and 5 and the matter is still pending. Admittedly, the proceedings U/s 145, Cr.P.C. are pending and the Executive Magistrate, pending enquiry, passed an order on 17-11-2005 directing the petitioner as well as respondents 4 and 5 not to interfere or enter into the disputed premises in question till the enquiry is completed and the rights of the parties over the land are settled.

Having regard to the fact that the proceedings U/s 145, Cr.P.C.

are pending before the Executive Magistrate, Kanchikacharla, I am of the opinion that it is for the petitioner as well as respondents 4 and 5 to put forth their version before the Executive Magistrate, Kanchikacharla, in which event, the same will be considered and appropriate orders will be passed in accordance with law.

So far as the interference of the 3rd respondent is concerned, in view of what has been stated in his counter-affidavit denying all the allegations made by the petitioner, I deem it appropriate to dispose of the writ petition recording the statement of the 3rd respondent that he is not interfering with the construction of the building in premises bearing Dr.No.7-120/1, Opposite APSRTC Bus Stand, Kanchikacharla village, Krishna District and making it clear that the 3rd respondent shall not interfere with the civil disputes in respect of the premises in question, without following due process of law.

The writ petition is accordingly disposed of. No costs.

20th December, 2005

BJ/

Note: Issue c.c. in two days.

(By Order)